

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 20, 2015

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Mortimer, absent and formally excused by the Chair; and Senators Bayer, Cameron, and Rice, absent and excused.

Prayer was offered by Chaplain Brent Adamson.

The Pledge of Allegiance was led by Joshua Price, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 19, 2015, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 125

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE MUTUAL BENEFIT THAT WOULD BE CREATED IF CITIZENS WHO OPENED A HEALTH SAVINGS ACCOUNT WOULD HAVE THE ABILITY TO CHOOSE BETWEEN PARTICIPATION IN A HEALTH CARE SHARING MINISTRY OR THE PURCHASE OF A HIGH-DEDUCTIBLE HEALTH INSURANCE PLAN AND ENCOURAGING CONGRESS TO SUPPORT FEDERAL LEGISLATION TO CREATE THIS ADDITIONAL HEALTH CARE COST SUPPORT CHOICE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, health care cost support is an essential element of economic security for American families, and individuals and families require more health care cost support choices, not fewer; and

WHEREAS, Health Care Sharing Ministries (HCSM) provide health care cost sharing arrangements among persons

of similar and sincerely held religious beliefs, administered by not-for-profit religious organizations; and

WHEREAS, Congress recognized the legitimacy of HCSMs in 2010 when it granted participants in these ministries one of the nine exemptions from the individual mandate in the Affordable Care Act; and

WHEREAS, participation in a HCSM typically costs 40% to 65% less than conventional health insurance; and

WHEREAS, for income earned in 2011, approximately 72% of HCSM participants were at or below 400% of the Federal Poverty Level (FPL), including approximately 44% of HCSM participants who were at or below 200% of FPL; and

WHEREAS, when Health Savings Accounts (HSA) were established as part of the Medicare Modernization Act in December 2003, citizens opening up a HSA were also required to purchase a high-deductible health insurance plan; and

WHEREAS, according to a June 2013 report from America's Health Insurance Plans (AHIP) Center for Policy and Research, as of January 2013, 15.5 million people in America have made HSAs their choice for health care cost support; and

WHEREAS, according to the same report, the states with the highest HSA enrollment are Illinois, Texas, California, Ohio and Michigan; and

WHEREAS, according to the same report, children ages 0 to 19 comprise the largest group of lives covered by a HSA; and

WHEREAS, another AHIP report shows that 83% of HSA owners have incomes that put them in the middle-income class or lower; and

WHEREAS, according to the Society for Human Resource Management, 43% of employers offered HSAs in 2012.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the mutual benefit that would be created if citizens who opened a Health Savings Account would have the ability to choose between participation in a HCSM or the purchase of a high-deductible health insurance plan.

BE IT FURTHER RESOLVED that the Legislature of the State of Idaho encourages Congress to support federal legislation as necessary to create this additional health care cost support choice.

SCR 125 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 20, 2015

The JUDICIARY AND RULES Committee reports that **S 1171** has been correctly printed.

LODGE, Chairman

S 1171 was referred to the Finance Committee.

March 20, 2015

The JUDICIARY AND RULES Committee reports that **S 1125** and **S 1086** have been correctly enrolled.

LODGE, Chairman

The President Pro Tempore signed Enrolled **S 1125** and **S 1086** and ordered them transmitted to the House for the signature of the Speaker.

Senators Bayer and Rice were recorded present at this order of business.

March 20, 2015

The JUDICIARY AND RULES Committee reports that Enrolled [S 1046](#), [S 1063](#), [S 1004](#), [S 1014](#), [S 1035](#), [S 1054](#), [S 1082](#), [S 1001](#), [S 1116](#), [S 1117](#), and [S 1119](#) were delivered to the Office of the Governor at 10:40 a.m., March 19, 2015.

LODGE, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 19, 2015

The EDUCATION Committee reports out [H 170](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MORTIMER, Chairman

There being no objection, [H 170](#) was referred to the Fourteenth Order of Business, General Calendar.

March 20, 2015

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 221](#), [H 236](#), [H 237](#), and [HCR 17](#) with the recommendation that they do pass.

SIDDOWAY, Chairman

[H 221](#), [H 236](#), and [H 237](#) were filed for second reading.

[HCR 17](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 20, 2015

The STATE AFFAIRS Committee reports out [H 184](#) and [S 1156](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 184](#) and [S 1156](#) were filed for second reading.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 19, 2015

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1026](#), [S 1027](#), and [S 1029](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 19, 2015

Dear Mr. President:

I transmit herewith [H 274](#), [H 245](#), [H 276](#), [H 219](#), [H 257](#), [H 256](#), [H 269](#), and [H 92](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 274](#), [H 245](#), [H 276](#), [H 219](#), [H 257](#), [H 256](#), [H 269](#), and [H 92](#), as amended, were filed for first reading.

March 19, 2015

Dear Mr. President:

I return herewith [S 1138](#), [S 1139](#), [S 1140](#), [S 1141](#), [S 1142](#), [S 1143](#), [S 1144](#), and [S 1145](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1138](#), [S 1139](#), [S 1140](#), [S 1141](#), [S 1142](#), [S 1143](#), [S 1144](#), and [S 1145](#) were referred to the Judiciary and Rules Committee for enrolling.

March 19, 2015

Dear Mr. President:

I transmit herewith Enrolled [H 31](#), [H 58](#), [H 62](#), [H 64](#), [H 72](#), as amended in the Senate, [H 114](#), [H 123](#), [H 136](#), [H 138](#), [H 139](#), [H 150](#), [H 161](#), [H 166](#), [H 169](#), [H 189](#), [H 205](#), [H 210](#), [H 211](#), [H 218](#), [H 223](#), [H 224](#), and [H 225](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 31](#), [H 58](#), [H 62](#), [H 64](#), [H 72](#), as amended in the Senate, [H 114](#), [H 123](#), [H 136](#), [H 138](#), [H 139](#), [H 150](#), [H 161](#), [H 166](#), [H 169](#), [H 189](#), [H 205](#), [H 210](#), [H 211](#), [H 218](#), [H 223](#), [H 224](#), and [H 225](#) and ordered them returned to the House.

March 19, 2015

Dear Mr. President:

I return herewith Enrolled [S 1044](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1044](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Suzanne Budge was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Ward-Engelking, the Gubernatorial reappointment of Suzanne Budge as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Winder, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Celia Gould retained its place on the calendar for Monday, March 23, 2015.

President Little assumed the Chair.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Max Black was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Burgoyne, seconded by Senator Winder, the Gubernatorial reappointment of Max Black as a member of the State Insurance Fund Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial reappointment of Rod Higgins was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Hagedorn, seconded by Senator Burgoyne, the Gubernatorial reappointment of Rod Higgins as a member of the State Insurance Fund Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1172

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2016; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR SPECIFIC PROJECTS; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; PROVIDING LEGISLATIVE INTENT RELATING TO REALLOCATION OF PROJECT SAVINGS; AND DECLARING AN EMERGENCY.

S 1173

BY FINANCE COMMITTEE

AN ACT

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2015; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2015; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING AN APPROPRIATION AND TRANSFER OF MONEYS TO THE WORKFORCE DEVELOPMENT TRAINING FUND; PROVIDING LEGISLATIVE INTENT FOR LOCAL DEPARTMENT OF LABOR OFFICES; PROVIDING LEGISLATIVE INTENT ON ACTIVITIES OF THE WORKFORCE DEVELOPMENT TRAINING FUND; AND DECLARING AN EMERGENCY.

S 1174

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2016; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN MONEYS BEING CONTINUOUSLY APPROPRIATED; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT MONEYS; AND AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE.

[S 1172](#), [S 1173](#), and [S 1174](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 274](#) and [H 276](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 245](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 219](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 257](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 256](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 269](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 92](#), as amended, by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 195](#), [H 113](#), as amended in the Senate, and [H 154](#), as amended in the Senate, by State Affairs Committee, were read the second time at length and filed for third reading.

[H 109](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 202](#), as amended in the Senate, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 167](#), as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1135](#), as amended, and [S 1154](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1146](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 268](#), [H 271](#), [H 272](#), and [H 273](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 183](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 179](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 238](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

[S 1067](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burgoyne arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1067](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1147](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Rice, Schmidt, Siddoway, Stennett, Thayn, Tippetts, Ward-Engelking, Winder. Total - 27.

NAYS—Bayer, Guthrie, Nonini, Nuxoll, Patrick, Souza, Vick. Total - 7.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1147](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1152](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1152](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1163](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lacey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1163](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1164](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1164](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1165](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Thayn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1165](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1166](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Thayn arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Ward-Engelking, Winder. Total - 30.

NAYS—Bayer, Den Hartog, Nuxoll, Vick. Total - 4.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1166](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1123](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Cameron, Davis, Den Hartog, Guthrie, Hagedorn, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Tippetts, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1123](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Stennett, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 10 a.m., Monday, March 23, 2015.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary